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Entered: March 1, 2010

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Switchcraft, Inc.,
Junior Party
(Application 10/863,322;
Inventor: Andrew Karl Eckhart),

v.

ADC Telecommunications, Inc.,
Senior Party
(Patent 6,992,257;
Inventors: Michael Follingstad, Peter Adams and Jeffrey Peters).

Patent Interference No. 105,717 (RES)
(Technology Center 2800)

Before: RICHARD E. SCHAFER, JAMESON LEE and
RICHARD TORCZON, *Administrative Patent Judges*.

SCHAFER, *Administrative Patent Judge*.

Judgment - Request for Adverse – 37 C.F.R. § 41.127(b)

- 1 Switchcraft has filed an amendment for its involved application
- 2 cancelling all its remaining claims designated as corresponding to the count.
- 3 Filing an amendment which cancels all of a party's own claims such that it
- 4 no longer has a claim involved in the proceeding is considered a request for
- 5 entry of an adverse judgment. 37 C.F.R. § 41.127(b)(2).

1 Accordingly, it is
2 **ORDERED** that judgment on priority as to the subject matter of
3 Count 1 (Paper 31, p. 3), is awarded against junior party Switchcraft;
4 **FURTHER ORDERED** that claims 41-59, 61, 63-67, and 69-111 of
5 of Application 10/863,322, all corresponding to Count 1, are finally refused
6 (35 U.S.C. § 135(a));
7 **FURTHER ORDERED** that the paper titled "Amendment" filed as
8 pages 4-23 of Paper 33 be submitted to the patent corps for entry into the file
9 history of Application 10/863,322;
10 **FURTHER ORDERED** that a copy of this judgment be made of
11 record in the files of Application 10/863,322 and Patent 6,992,257; and
12 **FURTHER ORDERED** that if there is any settlement agreement or
13 related documents which have not been filed, attention is directed to
14 35 U.S.C. § 135(c) and 37 C.F.R. § 41.205.

/Richard E. Schafer/)
 RICHARD E. SCHAFER)
 Administrative Patent Judge)
)
 /Jameson Lee/)
 JAMESON LEE)
 Administrative Patent Judge)
)
 /Richard Torczon/)
 RICHARD TORCZON)
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